

## **Chapter 132**

### **FIRE PREVENTION**

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**[HISTORY: Adopted by the Mayor and Council of Pocomoke City 2-3-1969 as Ord. No. 212 (Ch. 16 of the 1968 Code). Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Building construction -- See Ch. 101.**

**Housing standards -- See Ch. 146.**

#### **§132-1. Title.**

The rules and regulations hereby adopted shall constitute and shall hereafter be known as the "Fire Prevention Code of Pocomoke City" and may be cited and are hereinafter referred to as the "Fire Prevention Code."

#### **§132-2. Purpose.**

The purpose of this Fire Prevention Code is to establish standards and to make provisions and requirements for the maintenance, operation and use of land, buildings and other structures and the storage, handling, transportation and use of materials and equipment to prevent fires; to require all means of egress from premises, buildings and other structures to be maintained and operated in a safe manner; and to provide for the investigation of the cause, origin and circumstances of fires, all for the purpose of protecting the public health, safety and security of the people of Pocomoke City.

#### **§132-3. Construal of provisions.**

This Fire Prevention Code is hereby declared to be remedial and shall be liberally construed to secure the beneficial purposes intended hereby.

#### **§ 132-4. Fire Marshal.**

The Mayor shall appoint, subject to confirmation by the Council, one (1) person, who shall be that person designated as "Fire Marshal" by the County Commissioners of Worcester County, as provided by Section 149 of the Code of Public Local Laws of Worcester County, Maryland, as enacted by Chapter 642 of the Acts of the General Assembly of 1949<sup>1</sup> who shall be known as the "Chief of the Department of Fire Prevention of Pocomoke City." Such officer shall hold office for such a period of time as he or she shall be Fire Marshal of Worcester County and until his or her successor is duly appointed and confirmed.

#### **§ 132-5. Deputies; inspections and reports; right of entry.**

The Mayor may appoint, subject to confirmation by the Council, such deputies as in the Mayor's judgment may be necessary to make any and all of the examinations and inspections which are required to be made, or which may be made, in accordance with the provisions of this Fire Prevention Code. Such deputies shall report, in writing, the results of their examinations or inspections so made to the Fire Marshal. For the purpose of making such examinations or inspections, such deputies are hereby fully authorized and clothed with the same power and authority to enter upon or into and examine or inspect any premises, buildings or structures within the limits of Pocomoke City as given to the Fire Marshal and his or her authorized representatives by ~ 132-7 of this code.

#### **§ 132-6. Office of the Fire Marshal.**

- A. It shall be the duty of the office of the Fire Marshal to enforce all laws and ordinances covering the following:
  - (1) The prevention of fires.
  - (2) The storage and use of explosives and flammables.
  - (3) The installation and maintenance of automatic and other private fire alarm systems and fire-extinguishing equipment.
  - (4) The maintenance and regulation of fire escapes.
  - (5) The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
  - (6) The investigation of the cause, origin and circumstances of fires.
- B. The office of the Fire Marshal shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law.

#### **§ 132-7. Powers and duties of Fire Marshal.**

- A. The Fire Marshal may at all reasonable hours enter any building or premises within the city, except those actually occupied for private dwelling purposes by not more than two (2) families, for the purpose of making an inspection, which, under the provisions of this chapter, the Fire Marshal may deem necessary to be made.

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<sup>1</sup> Editor's Note: See ~ PS 1-301 of the Public Safety Article of the Code of Public Local Laws of Worcester County.

- B. The Fire Marshal may at any time investigate as to the origin or circumstances of any fire or explosion or attempt to cause fire or explosion occurring in the city. The Fire Marshal shall have authority at all times of the day or night, in performance of the duties imposed by the provisions of this chapter, to enter upon and examine any building or premises where any fires or attempt to cause fires shall have occurred or which at the time may be burning, and also the power to enter upon at any time any building adjacent to that in which the fire or attempt to cause fire occurred, should the Fire Marshal deem it necessary in the proper discharge of his or her duties, and the Fire Marshal may, in the exercise of his or her discretion, take full control and custody of said buildings and premises and place such person in charge thereof as he or she may deem proper, until his or her examination and investigation shall be completed.
- C. The Fire Marshal, in making said inspection or investigation, may, when in his or her judgment said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts or to have the means of knowledge in relation to the matter herein required to be examined and inquired into and to cause said testimony to be reduced to writing, and when, in his or her judgment, such examination discloses that the fire or explosion or attempt to cause a fire or explosion was of incendiary origin, the Fire Marshal may arrest the supposed incendiary or cause him or her to be arrested and charged with the crime and shall transmit a copy of the testimony so taken to the State's Attorney for Worcester County.
- D. The Fire Marshal shall have power to subpoena witnesses and to compel their attendance before him or her to testify in relation to any matter which is, by the provisions of this chapter, a subject of inquiry and investigation by the Fire Marshal and shall also have power to cause to be produced before him or her such papers as he or she may require in making such examination. The Fire Marshal is hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him or her, and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punishable as such.
- E. The Fire Marshal may deputize a member of any Fire Department duly organized and operating in the city, or other suitable person, who is approved by the Chief of the Fire Department and who is properly qualified through a training course of not less than three (3) days and who has successfully passed an examination upon the same, to conduct investigations and carry out such orders as may be prescribed by him or her to enforce and make effective the provisions of this chapter.

#### **§ 132-8. State regulations adopted by reference.**

The Fire Prevention Code of the State of Maryland originally adopted in September 1964, and all amendments thereto, and the rules and regulations promulgated by the State Fire Prevention Commission pursuant to Article 38A of the Annotated Code of Maryland (1957 Edition), as amended by the latest editions of the National Fire Protection Association Standards and National Fire Protection Association Standard No. 304-L, Ordinance for Petroleum Wharves (1938 Edition), as amended, at least one (1) copy of which has been or is now filed in the office of the City Clerk, are hereby adopted and incorporated as fully as if set forth herein, and from the day on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of Pocomoke City, Maryland, insofar as the same may be applicable and not hereinafter modified or amended.

### **§ 132-9. Aboveground storage of hazardous materials.**

Except as otherwise permitted in this chapter, the storage of compressed gases, explosives, ammunition, blasting agents, flammable and combustible liquids, hazardous chemicals, liquefied petroleum gases and magnesium above ground is prohibited within areas zoned B-1 under Chapter 230, Zoning, and any subsequent amendments thereto or re-enactments thereof, provided that for existing storage or bunkers within such limits which are properly safeguarded and do not involve a hazard to other property, a permit shall be granted upon application pursuant to ~ 132-11.

### **§ 132-10. Asphalt-tar pots and trailers.**

All asphalt-tar pots and trailers, when being prepared for use or in use, shall be no closer than twenty (20) feet from any building, shall have at least one (1) dry chemical fire extinguisher with a rating of 10BC, as defined by the National Board of Fire Underwriters, and shall have hinged covers that will close within three (3) inches of shut.

### **§ 132-11. Permits; application; fee**

Applications for permits required by this chapter shall be made on forms to be supplied by the City Clerk. A fee, as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time<sup>2</sup> shall be paid to the City Clerk by the applicant at the time a permit is applied for. Applications for permits shall be forthwith transmitted by the City Clerk to the Fire Marshal, who shall, within three (3) working days following notification of readiness for inspection by the applicant, make an inspection of the premises involved and either approve or disapprove the application. When an application has been approved by the Fire Marshal, the City Clerk shall issue the appropriate permit. Permits issued pursuant to this section shall be valid until revoked by the Fire Marshal. Permits issued pursuant to this section shall not be transferable and shall be continuously posted in a conspicuous place upon the premises for which issued.

### **§ 132-12. Revocation of permit.**

The Fire Marshal may revoke any permit issued pursuant to ~ 132-11 hereof if subsequent to such issuance he or she shall determine that the holder thereof is no longer maintaining the premises for which the permit was issued in a condition conforming to the requirements of this Fire Prevention Code.

### **§ 132-13. Modification of regulations.**

The Fire Marshal shall have power to modify any of the provisions of this Fire Prevention Code upon application in writing by the owner, manager or lessee of property within the corporate limits of the city where there are practical difficulties in the way of carrying out the strict letter thereof, provided that the spirit of the Fire Prevention Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Marshal thereon shall be given to the applicant and a copy thereof given to the City Manager.

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<sup>2</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

#### **§ 132-14. Appeals.**

Whenever the Fire Marshal disapproves an application, refuses to grant a permit applied for, revokes a permit previously issued or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning thereof have been misconstrued or wrongly interpreted, the applicant may appeal, in writing, specifying the grounds thereof, from the decision of the Fire Marshal to the Council within thirty (30) days from the date of the decision appealed.

#### **§ 132-15. Violations and penalties**

Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made hereunder or who shall fail to comply with such order as affirmed or modified by the Council or by a court of competent jurisdiction within the time fixed therefor shall, for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable as provided in the general penalty provisions in ~ 1-18 of this Code. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue. All persons guilty of such violation shall be required to correct or remedy such violations or defects within a reasonable time. Unless otherwise specified, each forty-eight (48) hours that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.